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WHOLESALE CORPORATION
7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION**
10

11 DIANA RENATE KOSTOLANSKY,
12 Plaintiff,
13 vs.

14 COSTCO WHOLESALE
CORPORATION; JOHN DOE; and
15 DOES 1 to 20,
16 Defendant.

Case No. 5:24-cv-1908
San Bernardino County Superior Court
Case No.: CIVSB2325650

NOTICE OF REMOVAL

Discovery Cutoff: None Set
Motion Cutoff: None Set
Trial Date: None Set

17
18 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

19 PLEASE TAKE NOTICE THAT Defendant, COSTCO WHOLESALE
20 CORPORATION hereby removes to this Court the state court action described
21 below. Removal of this action is proper for the following reasons:

22 **I. TIMELINESS**

23 1. Plaintiff commenced her action on or about October 20, 2023, by filing
24 a Complaint for damages alleging causes of action for premises liability and general
25 negligence. A true and correct copy of the Complaint is attached hereto as **Exhibit**
26 **A.**

27 2. Defendant, COSTCO WHOLESALE CORPORATION is named as a
28 defendant, and was served with the Summons and Complaint and answered on

1 November 29, 2023. A true and correct copy of the Answer is attached hereto as
2 **Exhibit B.**

3 **II. BASIS FOR REMOVAL**

4 3. This is a civil action over which this Court has original jurisdiction
5 under Title 28 U.S.C. § 1332(a)(1) and is one which may be removed to this Court
6 by Defendant, COSTCO WHOLESALE CORPORATION pursuant to the
7 provisions of Title 28 U.S.C. § 1441(b) in that the action is between citizens of
8 different States.

9 4. Plaintiff's Complaint alleges that the subject trip and fall incident
10 occurred in the State of California. Plaintiff also resides in California. Defendant,
11 COSTCO WHOLESALE CORPORATION is a corporation registered in
12 Washington, with a principal place of business in Washington, where its high-level
13 officers direct, control, and coordinate the company's activities.

14 5. Plaintiff has alleged damages, including pain and suffering, hospital
15 and medical expenses, general damages, compensatory damages, loss of earning
16 capacity, interest at the legal rate, and costs. The Complaint was filed as an
17 unlimited civil action in the San Bernardino Justice Center of the San Bernardino
18 County Superior Court. Plaintiff has indicated that damages exceed \$75,000.

19 **III. VENUE**

20 6. The San Bernardino County Superior Court is located within the
21 jurisdiction of the United State District Court, Eastern District of California. *See*
22 Title 28 U.S.C. § 84(c)(2). This venue is proper, pursuant to Title 28 U.S.C. § 1391.
23 This Notice of Removal is therefore properly filed in this Court, pursuant to Title 28
24 U.S.C. § 1441.

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1 **IV. PLEADINGS AND PROCESS**


2 7. Other than Exhibit A and Exhibit B, there are no other pleadings on file
3 in the State Court action. This Notice of Removal is being filed without prejudice to
4 Defendant's objections and defenses.

5 8. Counsel for Defendant certifies that it will file a true and correct copy
6 of this Notice of Removal with the Clerk of the Superior Court of California,
7 County of San Bernardino, as required by Title 28 U.S.C. §1446, and give notice of
8 same to Plaintiff.

9 WHEREFORE, Defendant, COSTCO WHOLESALE CORPORATION
10 hereby removes the action now pending against it in the Superior Court of the State
11 of California for the County of San Bernardino, to this Honorable Court, and
12 requests that this Court retain jurisdiction for all further proceedings.

13
14 Dated: September 6, 2024

BRADLEY, GMELICH & WELLERSTEIN LLP

15
16
17 By: 

Lindy F. Bradley

Lily Nhan

Attorneys for Defendant, COSTCO
WHOLESALE CORPORATION

PROOF OF SERVICE

Diana R. Kostolansky vs. Costco Wholesale Corporation, et al.
Case No. CIVSB2325650

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of . My business address is 700 North Brand Boulevard, 10th Floor, Glendale, CA 91203-1202.

On September 6, 2024, I served true copies of the following document(s) described as **NOTICE OF REMOVAL** on the interested parties in this action as follows:

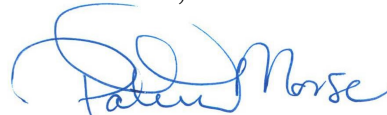
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DIANA R. KOSTOLANSKY

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address pmorse@bgwlawyers.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 6, 2024, at Glendale, California.



Patricia J. Morse